

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20551

ADELFO PAMATMAT (D-18),

Defendant.

ORDER DENYING EMERGENCY MOTION TO DISMISS INDICTMENT

On May 4, 2015, Defendant Adelfo Pamatmat filed an untimely “emergency” motion, attacking as perjury the presentation of evidence by Drug Enforcement Administration Task Force Officer Patrick DeBottis in the course of his grand jury testimony. (Dkt. # 1060.) Pamatmat also accuses the government attorneys of misconduct and unethical behavior for allegedly failing to correct what they knew to be perjury. The government responded in opposition. (Dkt. # 1063.)

Pamatmat’s motion struts and frets, and is replete with furious and inflammatory accusations, but is sadly devoid of an explanation as to how the subject testimony is even incorrect, let alone how it constitutes intentionally misleading perjury. *Cf. United States v. Adamo*, 742 F.2d 927, 940 (6th Cir. 1984) (“[T]he prosecutor [should] avoid knowingly using perjured testimony at any point in the prosecution of a case.”). It appears to be, for the most part, similar to testimony that the court heard and credited in the April 8, 2015, evidentiary hearing. The Officer said that Pamatmat made incriminating statements, and the court credited that testimony. How such testimony

before the grand jury could be perjury stands as a mystery. Similarly, the Officer said in his grand jury testimony that things of evidentiary value were recovered in the search of defendant's house. As demonstrated by the government in response, that statement also is factual. (Dkt. # 1063, Pg. ID 5606-07.)

Pamatmat's motion, as well-explained by the government in its response, is therefore baseless. Accordingly,

IT IS ORDERED that Defendant Adelfo Pamatmat's Emergency Motion to Dismiss Indictment (Dkt. # 1062) is DENIED.

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 7, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 7, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522